

AMENDED IN ASSEMBLY MAY 5, 2016

AMENDED IN SENATE APRIL 8, 2015

SENATE BILL

No. 650

Introduced by ~~Senator Hall~~ *Senators Hall and Glazer*
(Coauthors: *Senators Block, Hertzberg, Hill, and Leno*)
(Coauthor: *Assembly Member Gipson*)

February 27, 2015

~~An act to amend Section 19821 of the Business and Professions Code, relating to gambling.~~ *An act to amend Sections 30515 and 30900 of, and to add Section 30680 to, the Penal Code, relating to firearms.*

LEGISLATIVE COUNSEL'S DIGEST

SB 650, as amended, ~~Hall. California Gambling Control Commission: records.~~ *Firearms: assault weapons.*

(1) Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, "assault weapon" means, among other things, a semiautomatic centerfire rifle or a semiautomatic pistol that has the capacity to accept a detachable magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a second handgrip.

This bill would revise this definition of "assault weapon" to mean a semiautomatic centerfire rifle or a semiautomatic pistol that does not have a fixed magazine but has any one of those specified attributes. The bill would also define "fixed magazine" to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

By expanding the definition of an existing crime, the bill would impose a state-mandated local program.

(2) Existing law requires that any person who, within this state, possesses an assault weapon, except as otherwise provided, be punished for a felony or for a period not to exceed one year in a county jail.

This bill would exempt from punishment under that provision a person who possessed an assault weapon prior to January 1, 2017, if specified requirements are met.

(3) Existing law requires that, with specified exceptions, any person who, prior to January 1, 2001, lawfully possessed an assault weapon prior to the date it was defined as an assault weapon and that was not specified as an assault weapon at the time of lawful possession, must register the firearm with the Department of Justice. Existing law permits the Department of Justice to charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department. Existing law, after the department establishes fees sufficient to reimburse the department for processing costs, requires fees charged to increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act. Existing law requires those fees to be deposited into the Dealers' Record of Sale Special Account. Existing law, the Administrative Procedure Act, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would require that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, register the firearm with the Department of Justice before January 1, 2018, but not before the effective date of specified regulations. The bill would permit the department to increase the \$20 registration fee as long as it does not exceed the reasonable processing costs of the department. The bill would also require registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the department. The bill would require the registration to contain specified information, including, but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant. The bill would permit the department to charge a fee of up to \$15 per person for registration through the Internet, not to exceed the reasonable

processing costs of the department to be paid and deposited, as specified, for purposes of the registration program. The bill would require the department to adopt regulations for the purpose of implementing those provisions and would exempt those regulations from the Administrative Procedure Act. The bill would also make technical and conforming changes.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Gambling Control Act, establishes the California Gambling Control Commission. Existing law requires the commission to keep a record of all proceedings at its regular and special meetings and a record of all applications for licenses under the Gambling Control Act, and to make these records open to public inspection.~~

~~This bill would require the commission to make these records open to public inspection during normal business hours.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 30515 of the Penal Code is amended to
- 2 read:
- 3 30515. (a) Notwithstanding Section 30510, “assault weapon”
- 4 also means any of the following:
- 5 (1) A semiautomatic, centerfire rifle that ~~has the capacity to~~
- 6 ~~accept a detachable magazine and~~ does not have a fixed magazine
- 7 but has any one of the following:
- 8 (A) A pistol grip that protrudes conspicuously beneath the action
- 9 of the weapon.
- 10 (B) A thumbhole stock.
- 11 (C) A folding or telescoping stock.
- 12 (D) A grenade launcher or flare launcher.
- 13 (E) A flash suppressor.
- 14 (F) A forward pistol grip.
- 15 (2) A semiautomatic, centerfire rifle that has a fixed magazine
- 16 with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that ~~has the capacity to accept a detachable magazine and~~ *does not have a fixed magazine but has* any one of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(B) A second handgrip.

(C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

(A) A folding or telescoping stock.

(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that has the ability to accept a detachable magazine.

(8) Any shotgun with a revolving cylinder.

(b) For purposes of this section, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

~~(b)~~

(c) The Legislature finds a significant public purpose in exempting from the definition of "assault weapon" pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of "assault weapon" pursuant to this section are exempt, as provided in subdivision ~~(e)~~: (d).

~~(e)~~

(d) "Assault weapon" does not include either of the following:

- (1) Any antique firearm.
- (2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision-~~(b)~~ (c):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

(3) The Department of Justice shall create a program that is consistent with the purposes stated in subdivision-~~(b)~~ (c) to exempt new models of competitive pistols that would otherwise fall within the definition of “assault weapon” pursuant to this section from being classified as an assault weapon. The exempt competitive pistols may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

SEC. 2. Section 30680 is added to the Penal Code, to read:
30680. Notwithstanding the meaning of “assault weapon” under Section 30515, as amended by the act that added this section, Section 30605 does not apply to the possession of an assault

1 *weapon by a person who has possessed the assault weapon prior*
2 *to January 1, 2017, if all of the following are applicable:*

3 *(a) Prior to January 1, 2017, the person was eligible to register*
4 *that assault weapon pursuant to subdivision (b) of Section 30900.*

5 *(b) The person lawfully possessed that assault weapon prior to*
6 *January 1, 2017.*

7 *(c) The person registers the assault weapon by January 1, 2018,*
8 *in accordance with subdivision (b) of Section 30900.*

9 *SEC. 3. Section 30900 of the Penal Code is amended to read:*

10 30900. (a) (1) Any person who, prior to June 1, 1989, lawfully
11 possessed an assault weapon, as defined in former Section 12276,
12 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall
13 register the firearm by January 1, 1991, and any person who
14 lawfully possessed an assault weapon prior to the date it was
15 specified as an assault weapon pursuant to former Section 12276.5,
16 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as
17 amended by Section 1 of Chapter 874 of the Statutes of 1990 or
18 Section 3 of Chapter 954 of the Statutes of 1991, shall register the
19 firearm within 90 days with the Department of Justice pursuant to
20 those procedures that the department may establish.

21 ~~(b)~~

22 (2) Except as provided in Section 30600, any person who
23 lawfully possessed an assault weapon prior to the date it was
24 defined as an assault weapon pursuant to former Section 12276.1,
25 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and
26 which was not specified as an assault weapon under former Section
27 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989
28 or as amended at any time before January 1, 2001, or former
29 Section 12276.5, as added by Section 3 of Chapter 19 of the
30 Statutes of 1989 or as amended at any time before January 1, 2001,
31 shall register the firearm by January 1, 2001, with the department
32 pursuant to those procedures that the department may establish.

33 ~~(c)~~

34 (3) The registration shall contain a description of the firearm
35 that identifies it uniquely, including all identification marks, the
36 full name, address, date of birth, and thumbprint of the owner, and
37 any other information that the department may deem appropriate.

38 ~~(d)~~

39 (4) The department may charge a fee for registration of up to
40 twenty dollars (\$20) per person but not to exceed the ~~actual~~

1 *reasonable* processing costs of the department. After the
2 department establishes fees sufficient to reimburse the department
3 for processing costs, fees charged shall increase at a rate not to
4 exceed the legislatively approved annual cost-of-living adjustment
5 for the department's budget or as otherwise increased through the
6 ~~Budget Act~~. *Act but not to exceed the reasonable costs of the*
7 *department.* The fees shall be deposited into the Dealers' Record
8 of Sale Special Account.

9 (b) (1) *Any person who, from January 1, 2001, to December*
10 *31, 2016, inclusive, lawfully possessed an assault weapon that*
11 *does not have a fixed magazine, as defined in Section 30515,*
12 *including those weapons with an ammunition feeding device that*
13 *can be readily removed from the firearm with the use of a tool,*
14 *shall register the firearm before January 1, 2018, but not before*
15 *the effective date of the regulations adopted pursuant to paragraph*
16 *(5), with the department pursuant to those procedures that the*
17 *department may establish by regulation pursuant to paragraph*
18 *(5).*

19 (2) *Registrations shall be submitted electronically via the*
20 *Internet utilizing a public-facing application made available by*
21 *the department.*

22 (3) *The registration shall contain a description of the firearm*
23 *that identifies it uniquely, including all identification marks, the*
24 *date the firearm was acquired, the name and address of the*
25 *individual from whom or business from which the firearm was*
26 *acquired, as well as the registrant's full name, address, telephone*
27 *number, date of birth, sex, height, weight, eye color, hair color,*
28 *and California driver's license number or California identification*
29 *card number.*

30 (4) *The department may charge a fee in an amount of up to*
31 *fifteen dollars (\$15) per person but not to exceed the reasonable*
32 *processing costs of the department. The fee shall be paid by debit*
33 *or credit card at the time that the electronic registration is*
34 *submitted to the department. The fee shall be deposited in the*
35 *Dealers' Record of Sale Special Account to be used for purposes*
36 *of this section.*

37 (5) *The department shall adopt regulations for the purpose of*
38 *implementing this subdivision. These regulations are exempt from*
39 *the Administrative Procedure Act (Chapter 3.5 (commencing with*

1 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
2 *Code).*

3 *SEC. 4. No reimbursement is required by this act pursuant to*
4 *Section 6 of Article XIII B of the California Constitution because*
5 *the only costs that may be incurred by a local agency or school*
6 *district will be incurred because this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*

12 ~~SECTION 1. Section 19821 of the Business and Professions~~
13 ~~Code is amended to read:~~

14 ~~19821. (a) The commission shall cause to be made and kept~~
15 ~~a record of all proceedings at regular and special meetings of the~~
16 ~~commission. These records shall be open to public inspection~~
17 ~~during normal business hours.~~

18 ~~(b) The department shall maintain a file of all applications for~~
19 ~~licenses under this chapter. The commission shall maintain a record~~
20 ~~of all actions taken with respect to those applications. The file and~~
21 ~~record shall be open to public inspection during normal business~~
22 ~~hours.~~

23 ~~(c) The department and commission may maintain any other~~
24 ~~files and records as they deem appropriate. Except as provided in~~
25 ~~this chapter, the records of the department and commission are~~
26 ~~exempt from disclosure under Chapter 3.5 (commencing with~~
27 ~~Section 6250) of Division 7 of Title 1 of the Government Code.~~

28 ~~(d) Except as necessary for the administration of this chapter,~~
29 ~~no commissioner and no official, employee, or agent of the~~
30 ~~commission or the department, having obtained access to~~
31 ~~confidential records or information in the performance of duties~~
32 ~~pursuant to this chapter, shall knowingly disclose or furnish the~~
33 ~~records or information, or any part thereof, to any person who is~~
34 ~~not authorized by law to receive it. A violation of this subdivision~~
35 ~~is a misdemeanor.~~

36 ~~(e) Notwithstanding subdivision (k) of Section 1798.24 of the~~
37 ~~Civil Code, a court shall not compel disclosure of personal~~
38 ~~information in the possession of the department or the commission~~
39 ~~to any person in any civil proceeding wherein the department or~~
40 ~~the commission is not a party, except for good cause and upon a~~

1 ~~showing that the information cannot otherwise be obtained. This~~
2 ~~section shall not authorize the disclosure of personal information~~
3 ~~that is otherwise exempt from disclosure.~~

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